

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

AARON RUCKER,

Defendant.

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**DECISION AND  
ORDER**  
15-CR-6079 (FPG)

On March 17, 2017 the Court convened a status conference in the above captioned matter. The defendant, who is representing himself, raised several discovery issues with the Court. This Order is intended to resolve a particular discovery issue raised by the defendant - the sufficiency of discovery with respect to photographic identification procedures utilized by law enforcement in their investigation of this case.

Based on the arguments presented at the status conference, it is hereby

ORDERED that the government shall provide to defendant a list of identification procedures used involving the defendant. The list shall identify the date each identification procedure was conducted. In addition, the government shall provide to the defendant color copies of the particular photographs utilized in each identification procedures. If an identification was made from a photographic array shown to a witness, the government shall provide a copy of the array. If an array was not used,

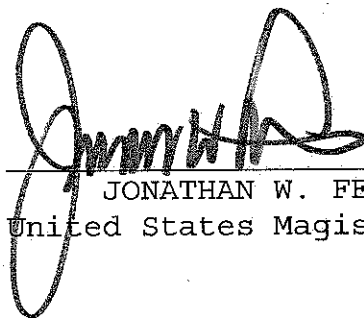
and individual photographs were shown to a witness, the government shall provide a copy of each photograph and summarize the manner in which the photographs were presented to the witness; and it is further

ORDERED that because the government has represented to the Court that each witness who identified the defendant from a photographic identification procedure knows the defendant independently from any presentation of photographs, a suppression hearing to determine the manner in which the identifications were made may not be necessary. Consistent with past practice, the government requests that a final decision as to whether an independent basis to identify the defendant exists be made by the trial judge after the names of the identifying witnesses have been disclosed to the defendant.

Based on the government's representations, the Court will not hold a suppression hearing at this time. However, the government shall disclose the names of the witnesses who identified the defendant from a photographic identification procedure to the defendant at least thirty (30) days before trial or at the pretrial conference, whichever is earlier. Such disclosures shall include factual support for the government's position that the witnesses have an independent basis to make an identification; and copies of all reports, witness statements or

other documents, recordings or information related to each identification procedure.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jonathan W. Feldman', is written over a horizontal line.

JONATHAN W. FELDMAN  
United States Magistrate Judge

Dated: March 20, 2017  
Rochester, New York